

DEC 01 2004



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## FACSIMILE

TO: Examiner Rita J. DesaiCOMPANY: USPTOFAX NUMBER: 703-872-9306214001-01064DATE: December 1, 2004TIME: 4:45 PMFROM: Arnold B. SilvermanDIRECT DIAL: 412.566.5941TOTAL PAGES (including cover): 8

## MESSAGE:

Attached is a copy of the recent Notice of Appeal we filed on November 24, 2004. Upon further examination of the file, we discovered that the Notice of Appeal was not executed properly. Thus we are resubmitting the properly executed form. Please process and call with any questions. Also, please acknowledge receipt of this fax with a return acknowledgement fax.

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OFFICE OF PETITIONS

**NOTICE OF CONFIDENTIALITY:** The statements upon and any documents included with this facsimile transmittal sheet contain information from the firm of Eckert Seamans Cherin & Mellott, LLC, that is confidential, privileged and exempt from disclosure under applicable laws. This information is intended to be for the exclusive use of the named addressee. If you are not the addressee, note that any disclosure, copying, distribution or use of the contents of this transmittal is prohibited. If you have received this facsimile in error, please immediately notify us at 412.566.6161 (collect) so that we can arrange for the retrieval of the original documents at no cost to you.

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PTO/SB/97 (08-03)

Approved for use through 07/31/2006, OMB 0651-0031

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ATTN: EXAMINER - Rita J. Desai

FAX: 703-872-9306

**Certificate of Transmission under 37 CFR 1.8**TOTAL PAGES ATTACHED: 7

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on DECEMBER 1, 2004  
DateArnold B. Silverman

Signature

ARNOLD B. SILVERMAN, ESQUIRE

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PTO/SB/21 - TRANSMITTAL FORM  
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 PTO/SB/17 - FEE TRANSMITTAL  
 PTO/SB/31 - NOTICE OF APPEAL  
 NOTICE OF APPEAL LETTER  
 FAX TO EXAMINER

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**TRANSMITTAL  
FORM**

(To be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  <i>(To be used for all correspondence after initial filing)</i>	Application Number	10/612,098
	Filing Date	JULY 2, 2003
	First Named Inventor	CHRISTIAN E. SCHAFMEISTER
	Art Unit	1625
	Examiner Name	RITA J. DESAI
Total Number of Pages in This Submission	7	
Attorney Docket Number	214001-01024-1	

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Return Postcard, Credit Card Payment Form, Notice of Appeal
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	ARNOLD B. SILVERMAN
Signature	
Date	DECEMBER 1, 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	ARNOLD B. SILVERMAN
Signature	
Date	DECEMBER 1, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04v2)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 170.00)

## Complete if Known

Application Number	10/612,098
Filing Date	JULY 2, 2003
First Named Inventor	CHRISTIAN E. SCHAFMEISTER
Examiner Name	RITA J. DESAI
Art Unit	1625
Attorney Docket No.	214001-01024-1

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## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None

 Deposit Account:

Deposit Account Number	02-2556
Deposit Account Name	Eckert Seamans Cherin & Mellott, LLC

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Fee from below	Extra Claims	Fee Paid
				-20** =	
				- 3** =	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\* or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

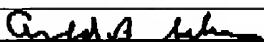
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053 130 Non-English specification	
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	
1251	110	2251 55 Extension for reply within first month	
1252	430	2252 215 Extension for reply within second month	
1253	980	2253 490 Extension for reply within third month	
1254	1,530	2254 765 Extension for reply within fourth month	
1255	2,080	2255 1,040 Extension for reply within fifth month	
1401	340	2401 170 Notice of Appeal	\$170.00
1402	340	2402 170 Filing a brief in support of an appeal	
1403	300	2403 150 Request for oral hearing	
1451	1,510	1451 1,510 Petition to institute a public use proceeding	
1452	110	2452 55 Petition to revive - unavoidable	
1453	1,370	2453 685 Petition to revive - unintentional	
1501	1,370	2501 685 Utility issue fee (or reissue)	
1502	490	2502 245 Design issue fee	
1503	660	2503 330 Plant issue fee	
1460	130	1460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801 395 Request for Continued Examination (RCE)	
1802	900	1802 900 Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 170.00)

(Complete if applicable)

SUBMITTED BY	ARNOLD B. SILVERMAN	Registration No. (Attorney/Agent)	22,614	Telephone	412-566-5941
Signature				Date	December 1, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PAGE 4/7 \* RCVD AT 12/1/2004 4:46:37 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/4 \* DNI:8729306 \* CSID:412 566 6099 \* DURATION (mm:ss):02:40

DEC 01 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Group Art Unit: 1625  
 Christian E. Schafmeister :  
 Serial No. 10/612,098 : Examiner: Rita J. Desai  
 Filed: July 2, 2003 :  
 : Attorney Docket No. 214001-01024-1  
 :  
 : Entitled:  
 :  
 : BIS (AMINO ACID) MOLECULAR  
 : SCAFFOLDS

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NOTICE OF APPEAL TRANSMITTAL LETTER

Eckert Seamans Cherin & Mellott, LLC  
 600 Grant Street, 44<sup>th</sup> Floor  
 Pittsburgh, PA 15219  
 December 1, 2004

Mail Stop AF  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

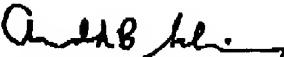
Dear Sir:

In response to the Final Office Action dated September 2, 2004, enclosed please find a Notice of Appeal, appealing the Examiner's decision to the Board of Patent Appeals and Interferences.

As the Notice of Appeal is being filed within the shortened 3-month statutory period from the September 2, 2004 Final Office Action, it is submitted that no extension of time is required.

Also enclosed please find a return postcard. Please date stamp and return the enclosed postcard as evidence of the date of receipt of the enclosed documents.

Respectfully submitted,

  
 Arnold B. Silverman  
 Registration No. 22,614  
 Attorney for Applicant

(412) 566.5941

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PTO/SB/31 (09-04)  
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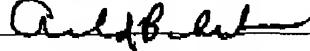
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NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

214001-01024-1

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on December 1, 2004

Signature 

Typed or printed name Arnold B. Silverman

In re Application of  
CHRISTIAN E. SCHAFMEISTER

Application Number 10/612,098 Filed JULY 2, 2003

For BIS (AMINO ACID) MOLECULAR SCAFFOLDS

Art Unit 1625 Examiner RITA J. DESAI

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 340.00

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 170.00

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration number 22,614

attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

  
Signature

ARNOLD B. SILVERMAN

Typed or printed name

412-566-2077

Telephone number

DECEMBER 1, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below.

Total of 7 forms are submitted.

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